



*W.P.No.44799 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-11-2025**

CORAM

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**W.P.No.44799 of 2025**

T.Murugasamy Gounder

...Petitioner

Vs

1. The Commissioner  
HR & CE,  
119, Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai-600 034.
- 2.The Joint Commissioner,  
HR & CE,  
Thiruppur,  
Thiruppur District.
- 3.The Executive Officer,  
Arulmigu Pasubatheswara Temple,



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Kongur, Tharapuram Taluk,  
Tiruppur District.

4.K.Velusamy

5.R.Balasubramanian

6.D.Tamil Selvi

7.M.Sundararasu

8.M.Sanmugam

9.Sasikala

10.T.Eswaramurthy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent not to extend the period of the trustee to the 4 to 10 respondents and terminate the trusteeship in Arulmigu Soundaranayaki Ambal Sametha Pasupatheswara Swamy Temple and Arulmigu Ukkira Kaliyamman Temple at Kongur Village, Dharapuram taluk, Tiruppur District

For Petitioner : Mr.R.Harinath

For Respondents : Mr.S.Ravichandran,  
Additional Government Pleader  
for R1 to R3



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### **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents Departments.

2. The grievance of the petitioner is that the petitioner and his family have been traditionally administering the temple namely Arulmigu Soundaranayaki Ambal Sametha Pasupatheswara Swamy Temple and Arulmigu Ukkira Kaliyamman Temple at Kongur Village, Dharapuram taluk, Tiruppur District. The temples are admittedly under the control of the Department. However, since the petitioner's family claimed right to continue the management and to be appointed as hereditary administrators, moved an application under Section 63(b) of the HR & CE Act seeking recognition of their hereditary trusteeship. Even according to the petitioner, the said application has been returned.



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3. In the meantime, the Joint Commissioner by an order dated 07.09.2023 has appointed the petitioner along with the respondents 4-10 as non-hereditary trustees. The grievance of the petitioner is that the respondents 4 -10 are not entitled to continuance of office of the non-hereditary trusteeship. The learned Additional Government Pleader would submit that firstly, the application under Section 63(b) of the HR & CE Act has been admittedly returned for certain defects and secondly, there is no representation given by the petitioner to the respondents department, even assuming a writ of mandamus can be issued. Therefore, he prays for the dismissal of the writ petition.

4. I have carefully considered the submissions advanced by both sides. It is not disputed that the petitioner has filed an application under Section 63(b) of the HR & CE Act, 1959, to be recognized as the hereditary trustee for the subject temples. The said application has been returned for certain compliances, pointing out certain defects. It would therefore, suffice to direct the petitioner to comply with the returns and re-present the application under Section 63(b) of the HR & CE



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Act and thereafter, the second respondent shall decide the application under Section 63(b) of the HR & CE Act on merits and in accordance with law, after affording reasonable opportunity to all the parties concerned and subject to the final decision in the application under Section 63(b) of the HR & CE Act, further call can be taken regarding the continuance of the non hereditary trustees. The said exercise shall be completed within a period of six months from the date of receipt of copy of the order. Accordingly, the writ petition stands disposed of. No costs.

20-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssa

To

1. The Commissioner

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